

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES ASCH, JR.,

Plaintiff,

v.

KILOLO KIJAKAZI,¹
*Acting Commissioner of Social
Security,*

Defendant.

No. 3:21-CV-01163

(Chief Judge Brann)

(Chief Magistrate Judge Mehalchick)

ORDER

JUNE 28, 2022

James Asch, Jr., filed this action seeking review of a decision of the Acting Commissioner of Social Security (“Commissioner”) denying Asch’s claim for social security disability benefits.² In May 2022, Chief Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.³

Asch filed timely objections to the Report and Recommendation, raising several claimed errors in Chief Magistrate Judge Mehalchick’s Report and Recommendation.⁴ “If a party objects timely to a magistrate judge’s report and

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi, as the successor officer to Andrew Saul, Commissioner of Social Security, is automatically substituted as Defendant in this action.

² Docs. 1, 13.

³ Doc. 16.

⁴ Doc. 17.

recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁵ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁶

Upon *de novo* review of the record, the Court finds no error in Chief Magistrate Judge Mehalchick’s recommendation. Although Asch disputes some of Chief Magistrate Judge Mehalchick’s observations and conclusions, Chief Magistrate Judge Mehalchick correctly determined that, as a whole, the Commissioner’s decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Karoline Mehalchick’s Report and Recommendation (Doc. 16) is **ADOPTED**;
 2. The Commissioner’s decision is **AFFIRMED**;
 3. Final Judgment is entered in favor of Defendant and against Asch pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
- and

⁵ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁶ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge